UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,447	08/31/2001	John Vanelli	156953-0009	3933

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EXAMINER
TOMASZEWSKI, MICHAEL

ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/945,447	VANELLI, JOHN
	Examiner	Art Unit
	Mike Tomaszewski	3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 August 2001</u>.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>10 April 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Notice To Applicant

1.   This communication is in response to the application filed on 31 August 2001.

Claims 1-52 are pending.

Claim Rejections - 35 USC § 101

2.   Claims 26-32 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

(A)   Claim 26 is neither directed to a process, a machine, a manufacture nor a

composition of matter, but to a graphical user interface (GUI). The rejected claims are

directed to a GUI which is either an image displayed to a user or software that displays

said image to a user. Such subject matter is non-statutory.

(B)   Claims 27-32 depend from claim 26 and are therefore, rejected for the same

reasons given for claim 26.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 26-32 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

(A)   Claim 26 recites a GUI having multiple display screen portions and various

system hardware elements (e.g., computer, server, etc.). It is unclear what statutory

class the Applicant is claiming.

(B)   Claims 27-32 depend from claim 26 and are therefore, rejected for the same

reasons given for claim 26.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-5, 8-18, 21-30, 32-36, 39-46, and 49-52 are rejected under 35 U.S.C.

103(a) as being unpatentable over Evans (5,924,074; hereinafter Evans), in view of

Weis (5,657,388; hereinafter Weiss).

(A)   As per claim 1, Evans discloses a handheld device for providing medical

information to a user, comprising:

    (a)   a housing (Evans: col. 13, lines 17-20; Fig. 24);

    (b)   a display screen located on said housing (Evans: col. 13, lines 17-20; Fig.

            24);

    (c)   a memory having one or more instructions (Evans: col. 14, lines 8-25);

    (d)   a port to accept a security token from the user (Weiss: abstract; col. 4,

            lines 27-67; Fig. 1-2); and

    (e)   a processor, coupled to the memory and the display screen (Evans: col.

            12, lines 66-67; col. 13, lines 1-3; col. 14, lines 8-14), the processor, in

            response to said one or more instructions, to,

                (i)   receive medical information electronically stored on a remote

                        server over a network in response to one or more requests

by said user, said remote server to be accessible by a

plurality of remotely located users (Evans: abstract; col. 4,

lines 62-67; col. 5, lines 1; col.12, lines 54-60; Fig. 24); and

(ii)   display said medical information on said display screen

(Evans: col. 7, lines 27-29; col. 8, lines 8-10; Fig. 5-8).

Evans, however, fails to *expressly* disclose a handheld device for providing

medical information to a user, comprising:

(f)   said one or more instructions, to,

(iii)   validate said security token provided by said user.

Nevertheless, these features are old and well known in the art, as evidenced by

Weiss. In particular, Weiss discloses a handheld device for providing medical

information to a user, comprising:

(f)   said one or more instructions, to,

(iii)   validate said security token provided by said user (Weiss:

col. 5, lines 3-37; Fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Weiss with the teachings of Evans with the motivation of providing a secured technique for accessing information (Weiss: abstract).

(B)   As per claim 2, Evans discloses the handheld device of claim 1, wherein the display screen includes a menu bar with access keys, at least one of said access keys to link to said medical information, at least another of said access keys to cause said processor to display a submenu on said display screen (Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; Fig. 5-8, 19-22).

(C)   As per claim 3, Evans discloses the handheld device of claim 2, wherein each of said access keys correspond to a category of medical information (Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; Fig. 5-8, 19-22).

(D)   As per claim 4, Evans fails to _expressly_ disclose the handheld device of claim 1, wherein said security token includes a memory and an identification section containing information associated with said user.

Nevertheless, these features are old and well known in the art, as evidenced by Weiss. In particular, Weiss discloses the handheld device of claim 1, wherein said security token includes a memory and an identification section containing information associated with said user (Weiss: abstract; col. 4, lines 27-43; Fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Weiss with the teachings of Evans with the motivation of providing a secured technique for accessing information (Weiss: abstract).

(E)   As per claim 5, Evans fails to _expressly_ disclose the handheld device of claim 1, wherein said security token is an identification card, said security token to be validated using information stored on said remote server.

Nevertheless, these features are old and well known in the art, as evidenced by Weiss. In particular, Weiss discloses the handheld device of claim 1, wherein said security token is an identification card, said security token to be validated using information stored on said remote server (Weiss: abstract; col. 4, lines 27-46; col. 5, lines 38-67; col. 6, lines 1-18; Fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Weiss with the teachings of Evans with the motivation of providing a secured technique for accessing information (Weiss: abstract).

(F)   As per claim 8, Evans discloses the handheld device of claim 1, wherein said medical information is electronically stored on said remote server in an electronic data interchange standard format (Evans: col. 2, lines 21-44; col. 10, lines 18-35; Fig. 16).

(G)   As per claim 9, Evans discloses the handheld device of claim 1, further comprising a means for providing cellular communication between said handheld device

and said network, where the network is the Internet and the remote server is connected

to the Internet (Evans: col. 12, lines 54-67; col. 13, lines 1-30; Fig. 24).

(H)   As per claim 10, Evans discloses the handheld device of claim 1, wherein said

medical information is stored in an electronic database comprised of records on said

remote server, said medical information to be stored in said records where each record

is associated with a patient (Evans: abstract; col. 2, lines 21-44; col. 12, lines 55-60;

Fig. 24).

(I)   As per claim 11, Evans discloses the handheld device of claim 1, wherein said

processor is further to provide updated medical information to said remote server which

was provided by said user, said updated medical information to be electronically stored

on said remote server (Evans: abstract; col. 2, lines 45-53; col. 12, lines 55-60; Fig. 24).

(J)   As per claim 12, Evans discloses the handheld device of claim 11, wherein said

updated medical information is provided to a computer connected to said network

before being provided to said remote server (Evans: abstract; col. 2, lines 45-53; col.

12, lines 55-60; Fig. 24).

(K)   As per claim 13, Evans discloses the handheld device of claim 1, wherein said

user is a physician (Evans: col. 2, lines 45-50; col. 4, lines 64-67; col. 5, lines 1).

Examiner has noted insofar as claim 13 recites "wherein said user is one of the following: a patient, physician, paramedic, firefighter, hospital administrator, nurse, insurer, pharmacist, and therapist," a physician has been recited.

(L)   Claims 14-18 and 21-25 substantially repeat the same limitations of claims 1-13 and are therefore, rejected for the same reasons given for those claims.

(M)   As per claim 26, Evans discloses a graphical user interface to display medical information on a user computer having a display screen, said display screen comprising:

    (a)   a first screen portion to display a plurality of access keys corresponding to medical information electronically stored on a remote server, said user computer to provide a request to said remote server over a network corresponding to a user selection of one or more of said plurality of access keys, said remote server to provide a portion of said medical information in response to said request, said remote server to be accessible by a plurality of remotely located users (Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; Fig. 5-8, 19-22);

    (b)   a second screen portion to display a request for a _password_ to be provided by a user of said user computer prior to being able to select one or more of said access keys (Evans: col. 6, lines 37-67; col. 7, lines 1-67;

col. 8, lines1-18; col. 15, lines 7-33; Fig. 5-8, 19-22) (Examiner notes that

a password can be considered a security token.);

(c)   a third screen portion to display said portion of medical information

(Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; Fig. 5-8, 19-

22).

Evans, however, fails to *expressly* disclose a graphical user interface to display

medical information on a user computer having a display screen, said display screen

comprising:

(d)   a request for a *security token* (i.e., fingerprint, information card, etc.).

Nevertheless, this feature is old and well known in the art, as evidenced by

Weiss. In particular, Weiss discloses a graphical user interface to display medical

information on a user computer having a display screen, said display screen

comprising:

(d)   a request for a *security token* (Weiss: abstract; col. 4, lines 27-46; col. 5,

lines 38-67; col. 6, lines 1-18; Fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Weiss with the teachings of Evans with the motivation of providing a secured technique for accessing information (Weiss: abstract).

(N)   As per claim 27, Evans discloses the graphical user interface of claim 26, wherein the display screen further comprises a fourth screen portion to display a submenu in response to said user selection, said submenu to include access keys corresponding to medical information electronically stored on said remote server (Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; col. 15, lines 7-33; Fig. 5-8, 19-22).

(O)   As per claim 28, Evans discloses the graphical user interface of claim 27, wherein said second screen portion and said third screen portion each occupy at least a portion of the same area on said display screen at different times (Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; col. 15, lines 7-33; Fig. 5-8, 19-22).

(P)   As per claim 29, Evans discloses the graphical user interface of claim 26, wherein said display screen comprises a fourth screen portion to display a submenu which obstructs at least a portion of said first screen portion until said user has made a submenu selection (Evans: col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; col. 15, lines 7-33; Fig. 5-8, 19-22).

(Q)   As per claim 30, Evans fails to *expressly* disclose the graphical user interface of

claim 26, wherein said security token is an identification card, said security token to be

validated using information stored on said remote server.

Nevertheless, this feature is old and well known in the art, as evidenced by

Weiss. In particular, Weiss discloses the graphical user interface of claim 26, wherein

said security token is an identification card, said security token to be validated using

information stored on said remote server (Weiss: abstract; col. 4, lines 27-46; col. 5,

lines 38-67; col. 6, lines 1-18; Fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Weiss with the teachings of Evans with the motivation of

providing a secured technique for accessing information (Weiss: abstract).

(R)   As per claim 32, Evans discloses the graphical user interface of claim 26,

wherein said first screen portion further includes access keys to enable said user to

provide updated medical information to said remote server, said updated medical

information to be electronically stored on said remote server (Evans: abstract; col. 2,

lines 45-53; col. 6, lines 37-67; col. 7, lines 1-67; col. 8, lines1-18; col. 12, lines 55-60;

col. 15, lines 7-33; Fig. 5-8, 19-24).

(S)   Claim 33 differs from claim 1 by reciting a series of method steps, namely,

storing, providing, validating, transmitting, and displaying. Because the combined

teachings of Evans and Weiss disclose the structural elements that constitute the

system of claim 1, it is respectfully submitted that these system elements perform the

underlying method steps of claim 33, as well.

(T)   Claims 34-36 and 39-41 substantially repeat the same limitations of claims 1-13

and are therefore, rejected for the same reasons given for those claims.

(U)   Claim 42 differs from method claim 33 by reciting "a computer program embodied

on a computer-readable medium" and "memory with one or more instructions" within its

preamble. As per these elements, Evans' medical information system includes

computers, display monitors, servers, and databases, among other elements (Evans:

col. 12, lines 54-67; col. 13, lines 1-67; col. 14, lines 1-27; Fig. 24). As such, it is readily

apparent that Evans' medical information system is controlled by a computer program

stored upon a computer-readable medium. The remainder of claim 42 substantially

repeats the same limitations of method claim 33 and is therefore, rejected for the same

reasons given above for claim 33 and incorporated herein.

(V)   Claims 42-46 and 49-52 substantially repeat the same limitations of claims 1-13

and 33-41 and are therefore, rejected for the same reasons given for those claims.

7.   Claims 6-7, 19-20, 31, 37-38, and 47-48 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Evans and Weiss as applied to claim 1 above, and further in

view of Pare, Jr. et al. (5,870,723; hereinafter Pare).

(A)   As per claim 6, Evans fails to _expressly_ disclose the handheld device of claim 1,

wherein said security token comprises a alphanumeric code corresponding to

identification data stored in a memory of said security token.

        Nevertheless, these features are old and well known in the art, as evidenced by

Weiss and Pare. In particular, Weiss and Pare disclose the handheld device of claim 1,

wherein said security token comprises a alphanumeric code (Pare: col. 14, lines 61-66)

corresponding to identification data stored in a memory of said security token (Weiss:

abstract; col. 4, lines 27-43; Fig. 1-2).

        One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Weiss with the teachings of Evans with the motivation of

providing a secured technique for accessing information (Weiss: abstract).

        One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Pare with the combined teachings of Evans and Weiss with

the motivation of providing increased security (Pare: col. 8, lines 3-6).

(B)   As per claim 7, Evans fails to _expressly_ discloses the handheld device of claim 1,

further comprising a biometrics input device, and wherein said security token comprises

a fingerprint which is provided to said biometrics input device.

Nevertheless, these features are old and well known in the art, as evidenced by Weiss and Pare. In particular, Weiss and Pare disclose the handheld device of claim 1, further comprising a biometrics input device, and wherein said security token (Weiss: abstract; col. 4, lines 27-43; Fig. 1-2) comprises a fingerprint which is provided to said biometrics input device (Pare: col. 9, lines 59-65; Fig. 3).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Weiss with the teachings of Evans with the motivation of providing a secured technique for accessing information (Weiss: abstract).

One of ordinary skill would have found it obvious at the time of the invention to combine the teachings of Pare with the combined teachings of Evans and Weiss with the motivation of providing increased security (Pare: col. 8, lines 3-6).

(C)   Claims 19 and 20 substantially repeat the same limitations of claims 6 and 7 and are therefore, rejected for the same reasons given for those claims.

(D)   As per claim 31, Evans fails to _expressly_ disclose the graphical user interface of claim 26, wherein said security token comprises a alphanumeric code corresponding to identification data stored in a memory of an identification card.

Nevertheless, these features are old and well known in the art, as evidenced by Weiss and Pare. In particular, Weiss and Pare disclose the graphical user interface of claim 26, wherein said security token comprises a alphanumeric code (Pare: col. 14,

lines 61-66) corresponding to identification data stored in a memory of an identification

card (Weiss: abstract; col. 4, lines 27-43; Fig. 1-2).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Weiss with the teachings of Evans with the motivation of

providing a secured technique for accessing information (Weiss: abstract).

One of ordinary skill would have found it obvious at the time of the invention to

combine the teachings of Pare with the combined teachings of Evans and Weiss with

the motivation of providing increased security (Pare: col. 8, lines 3-6).

(E)   Claims 37-38 substantially repeat the same limitations of claims 1-13 and are

therefore, rejected for the same reasons given for those claims.

(F)   Claims 47-48 substantially repeat the same limitations of claims 1-13 and 33-41

and are therefore, rejected for the same reasons given for those claims.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

Applicant's disclosure. The cited but not applied art teaches a computer system and

method for storing medical histories using a carrying size card (5,659,741); storing

personal medical information (6,082,77); and a handheld computer system (6,144,552).

The cited but not applied prior art also includes non-patent literature articles by

Hamblen, Matt. ("Doctors Store Patient Records in Handhelds" Jun 14, 1999.

Computerworld. Vol. 33, Iss. 24. pg. 70.); Hamblen, Matt ("Handheld Help For Clinical

Trials" Oct 4, 1999. Computerworld. Vol. 33, Iss. 40. pg. 45.); Solomon, Howard ("Small

Databases shrink mass of information" May 7, 1999. Computer Dealer News. Vol. 15,

Iss. 18. pg. 14.); Messmer, Ellen ("Banks and hospitals implement tough security" Apr

26, 1999. Network World. Vol. 16, Iss. 17. pg. 35.); Dansky, Kathryn ("Electronic

Medical Records: Are Physicians Ready?" Nov/Dec 1999. Journal of Healthcare

Management. Vol. 44, Iss. 6. pg. 440.); and Fish, Josh ("The Cure Is In Hand: Bringing

Information Technology To Patient Care" Oct 2000. WR HAMBRECHT+CO.).

9.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Mike Tomaszewski whose telephone number is

(571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number

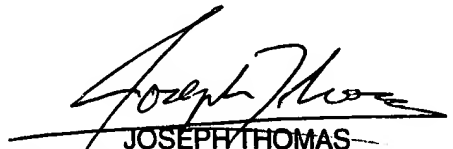for the organization where this application or proceeding is assigned is 571-273-8300.

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Business Center (EBC) at 866-217-9197 (toll-free).

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JOSEPH THOMAS
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